

REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by applicant and undersigned attorney. Reconsideration is respectfully requested.

As the Office Action was "Final", this reply is submitted under the provisions of 37 C.F.R. §§1.113 and 116. The amendment merely adopts examiner's suggestions, and removes issues for appeal. It is believed that the amendment will require only a cursory review by the Examiner and such amendment clearly places the application in a condition for allowance. In the event that the Examiner should not find the application in a condition for allowance, the amendment is believed to remove issues for appeal and should accordingly be entered.

A **Notice of Appeal** is submitted with this Reply as a precaution to ensure the pendency of the case.

1. Summary of the Office Action.

The drawings were objected to.

The disclosure was objected to.

Claims 15 and 16 were pending.

Claims 15 and 16 stand rejected under 35 U.S.C §112, first paragraph.

Claim 15 was objected to but found to contain allowable subject matter.

2. Discussion.

Status of the Interviews

Applicant understands and acknowledges that all telephone conversation between the Examiner and the Attorney of Record to date are informal and do not constitute interviews on the merits.

Drawing Objections

Applicant reviewed the drawings replacement drawings filed on or about July 7, 2009 (second replacement drawing) and cannot find the boundary line described by the examiner in the office action. Applicant believes that the examiner may be looking at the replacement drawing filed on October 14, 2008 (first replacement drawing). This first replacement drawing does have a boundary line. Applicant re-submits the second replacement drawing to show that it has no boundary line. Withdrawal of the objection is respectfully requested.

Disclosure Objections

The office action contained a section entitled "Specification" which contains MPEP and CFR rules for Content of Specification. No formal objection was made in the office action to the Specification. In the event that the Examiner wishes to have the

Applicant correct any informalities or format problems in the specification, Applicant offers to make such changes immediately.

Claim Objections

Claim 15. **Claim 15** was objected to as being informal. The examiner is thanked for pointing out the informalities on line 32 and for suggesting new language. Applicant amended the claim by adopting the Examiner's suggestion. Withdrawal of the objection is believed to be in order. Applicant noted that similar language was present in **Claim 16**, and he therefore made a similar amendment to that claim.

Claim Rejections - 35 USC §112

Claims 15 and 16 . These claims were rejected under 35 USC §112, first paragraph as failing to comply with the written description requirement and based on new matter. Although applicant does not necessarily agree with the rejection, he has amended claims 15 and 16 to delete the term "homogeneously." to move the application forward. Withdrawal of the rejection is respectfully requested.

Claim 15 This claim was also rejected under 35 USC §112, second paragraph as being indefinite. The Examiner is thanked for pointing out the informality on line 23 and for suggesting new language. Applicant amended the claim by adopting the Examiner's suggested language. Withdrawal of this rejection is requested.

3. Conclusion.

The pending claims are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification, claims and drawings as filed. It is believed that this case is in a condition for allowance. Reconsideration and favorable action are respectfully requested.

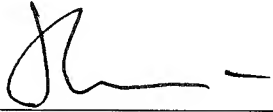
Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, she is invited to call at the number below.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

ANY FEES DUE ARE CALCULATED AS FOLLOWS:		<u>NUMBER</u>	<u>FEE</u>
TOTAL Claims Remaining over that Previously Paid:		None	\$0
INDEPENDENT Claims Remaining over that Previously Paid:		None	\$0
	SUM Claim Fees:		\$0
EXTENSION Fees:			\$555
OTHER Fees:	Notice of Appeal		\$270
	<u>TOTAL AMOUNT (if any)</u>		\$825
<input type="checkbox"/> Paid by enclosed check.			
<input checked="" type="checkbox"/> Paid by enclosed Credit Card Payment Form(s) PTO-2038.			

Respectfully submitted,



Date:

10-1-10

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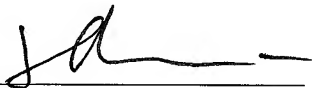
REQUEST FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. 1.136(a), Applicant(s) requests that a 3 month extension be granted in which to file the attached communication.

A \$ 555 payment, for small entity, is enclosed for the fee required under 37 CFR 1.17.

Please charge any additional or underpayment in fee due, or credit any overpayment, to Deposit Account No. 19-2381.

Respectfully submitted,



Date:

10-1-10

Joel D. Skinner, Jr.
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